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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 ABELARDO SOTO,

11 Plaintiff,

No. CIV S 05-871 EFB P

12 vs.

13 DR. NADIUM KHOURY, et al.,

14 Defendants.

ORDER

15 \_\_\_\_\_/  
16 Plaintiff is a prisoner without counsel suing for alleged civil rights violations. *See* 42  
17 U.S.C. § 1983. On February 7, 2007, defendants filed a motion for summary judgment. *See*  
18 Fed. R. Civ. P. 56. Plaintiff has not filed an opposition or a statement of no opposition to the  
19 motion.

20 A responding party's failure "to file written opposition or to file a statement of no  
21 opposition may be deemed a waiver of any opposition to the granting of the motion and may  
22 result in the imposition of sanctions." L. R. 78-230(m). Failure to comply with any order or  
23 with the Local Rules "may be grounds for imposition of any and all sanctions authorized by  
24 statute or Rule or within the inherent power of the Court." L. R. 11-110. The court may  
25 recommend this action be dismissed with or without prejudice, as appropriate, if plaintiff  
26 disobeys an order or the Local Rules. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1252 (9th Cir.

1 1992) (district court did not abuse discretion in dismissing *pro se* plaintiff's complaint for failing  
2 to obey an order to re-file an amended complaint to comply with Federal Rules of Civil  
3 Procedure); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for *pro se*  
4 plaintiff's failure to comply with local rule regarding notice of change of address affirmed).

5 On July 7, 2006, the court informed plaintiff that all motions must be briefed in  
6 accordance with Local Rule 78-230(m), and that failure timely to oppose a motion may be  
7 deemed consent to the relief requested in the motion. Also on that date, the Clerk of the Court  
8 served on plaintiff a copy of the Local Rules of this Court. Nevertheless, plaintiff has not filed  
9 an opposition or statement of non-opposition to defendants' motion for summary judgment.

10 On February 7, 2007, plaintiff filed a request for an extension of time within which to file  
11 his pretrial statement. Pursuant to the November 9, 2006, reassignment order, all pending dates,  
12 including the pretrial conference and jury trial dates, were vacated. Accordingly, plaintiff's  
13 request is denied as moot. The court will set further pretrial dates, if appropriate, following  
14 disposition of defendants' motion.

15 Accordingly, IT IS HEREBY ORDERED that:

16 1. Within 20 days of the date of this order, plaintiff shall file an opposition to the motion  
17 for summary judgment or a statement of non-opposition. Failure to comply with this order will  
18 result in dismissal of this action pursuant to Fed. R. Civ. P. 41(b); and

19 2. Plaintiff's February 7, 2007, request for extension of time is denied as moot.

20 DATED: March 23, 2007.

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23 EDMUND F. BRENNAN  
24 UNITED STATES MAGISTRATE JUDGE  
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